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9 **Attorneys for Defendant CBRE, INC.**

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11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

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15
16 ANGEL MARTINEZ,

17 Plaintiff,

18 v.

19 CBRE, INC.; PARK TOWER
20 OWNER, LLC; METLIFE
21 INVESTMENT MANAGEMENT,
22 LLC; META PLATFORMS, INC.
23 dba META; and DOES 1 to 30,
24 inclusive,

25 Case No. 3:24-CV-07395

26
27 **CBRE, INC.'S NOTICE OF**
28 **REMOVAL**

29
30 Defendants.

TO THE COURT AND ALL ATTORNEYS OF RECORD:

Defendant CBRE, INC. (“CBRE”) hereby gives notice of the removal of this action to the United States District Court for the Northern District of California pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

I. REMOVAL IS TIMELY

6 1. On March 27, 2024, Plaintiff Angel Martinez (“Plaintiff”) filed an
7 Original Complaint against Defendants CBRE, Inc., Park Tower Owner, LLC,
8 Metlife Investment Management, LLC and Meta Platforms, Inc dba Meta and
9 Does 1-30, in the Superior Court of the State of California for the County of San
10 Francisco, styled *Angel Martinez v. CBRE, Inc., et al.*, Case No. CGC-24-613441
11 (the “State Court Action”). The Original Complaint was not served on CBRE.

12 2. On September 25, 2024, Plaintiff filed a First Amended Complaint in
13 the State Court Action. The First Amended Complaint added ABM Industry
14 Groups, LLC as a Defendant and did not name Meta Platforms, Inc. dba Meta as a
15 Defendant – thus dismissing the Meta entity as a Defendant. On September 26,
16 2024, Plaintiff emailed CBRE, Inc. a copy of the First Amended Complaint, which
17 was the first date CBRE received notice that the Meta entity had been dismissed as
18 a named Defendant as it was only a tenant in the building at issue.

19 3. Pursuant to 28 U.S.C. § 1446(b), CBRE now timely files this Notice
20 of Removal within 30 days after the September 26, 2024 courtesy email of the
21 First Amended Complaint from Plaintiff.

22 4. A copy of all documents filed and served in the State Court Action are
23 attached hereto as **Exhibit 1** to this Notice.

II. GROUNDS FOR REMOVAL

5. Removal is proper because subject-matter jurisdiction is based upon diversity of citizenship under 28 U.S.C. § 1332(a).

1 **A. The Amount in Controversy Exceeds \$75,000**

2 6. The amount in controversy in this lawsuit exceeds the sum or value of
 3 \$75,000, exclusive of interests and costs, as required by Section 1332(a). Plaintiff
 4 served list of purported past and future medical damages on CBRE on August 30,
 5 2024, which presents alleged medical damages of approximately \$448,828.

6 7. “[A]s specified in § 1446(a), a defendant’s notice of removal need
 7 include only a plausible allegation that the amount in controversy exceeds the
 8 jurisdictional threshold.” *Dart Cherokee Basin Operating Co., LLC v. Owens*, 574
 9 U.S. 81, 135 (2014).

10 8. Relying on the information gathered so far, then, the amount Plaintiff
 11 seeks exceeds \$75,000, and therefore that amount alone satisfies the amount in
 12 controversy. The amount will increase even further once the other alleged
 13 damages are included.

14 **B. There is Complete Diversity Between the Parties**

15 9. Based upon all the publicly available information that CBRE has
 16 gathered, there is complete diversity of citizenship between all parties to this
 17 lawsuit. Only Plaintiff is a citizen of California. CBRE is a citizen of Delaware
 18 with a principal place of business in Texas. ABM Industry Groups, LLC is a
 19 citizen of Delaware with a principal place of business in Texas. Park Tower
 20 Owner, LLC is a citizen of Delaware with its principal place of business in New
 21 Jersey. Metlife Investment Management, LLC is a citizen of Delaware with its
 22 principal place of business in New Jersey.

23 10. “For diversity purposes, a corporation is deemed to be a citizen of the
 24 state(s) in which it was incorporated and in which the corporation has its principal
 25 place of business. 28 U.S.C. § 1332(c)(1). A corporation’s principal place of
 26 business is defined as the place ‘where a corporation’s officers direct, control, and
 27 coordinate the corporation’s activities,’ *i.e.* ‘the corporation’s “nerve center.”’”

28 *Hertz Corp. v. Friend*, 559 U.S. 77, 92-93 (2010); *see also Harris v. Rand*, 682

1 F.3d 846, 851 (9th Cir. 2012) ('[A] principal place of business "should normally
 2 be the place where the corporation maintains its headquarters—provided that the
 3 headquarters is the actual center of direction, control, and coordination...') (quoting
 4 *Hertz*, 559 U.S. at 92). *Pool v. Hoffman-La Roche, Ltd*, 386 F.Supp.3d 1202,
 5 1220.

6 11. CBRE, Inc. is informed and believes that ABM Industry Groups,
 7 LLC, Park Tower Owner, LLC and Metlife Investment Management, LLC consent
 8 to this removal.

9 12. The naming of Meta Platforms, Inc. in the Original Complaint does
 10 not defeat diversity jurisdiction. In particular, the lack of complete diversity at the
 11 time of filing is cured by dismissal of non-diverse parties which are not
 12 indispensable. (*Louisiana Municipal Police Employees' Retirement System v. Wynn*, 829 F.3d 1048, 1057 (9th Cir. 2016). Plaintiff represented that Plaintiff
 13 dismissed Meta Platforms, Inc. as it was only a tenant in the building at issue.

14 13. The First Amended Complaint also names Doe Defendants "1 through
 15 30." For purposes of removal, however, "the citizenship of defendants sued under
 16 fictitious names shall be disregarded." 28 U.S.C. § 1441(b)(1). Therefore, the
 17 inclusion of "Doe" defendants in the state court Complaint has no effect on
 18 removability. In determining whether diversity of citizenship exists, only the
 19 named defendants are considered. *See, Newcombe v. Adolf Coors Co.*, 157 F.3d
 20 686, 690-691 (9th Cir. 1998); *see also, Santa Clara Valley Water District v. CH2M*
 21 *Hill, Inc.*, No. 19-CV-08295-LHK, 2020 WL 4252677, at *3 (N.D. Cal. July 24,
 22 2020).

23 14. Plaintiff is domiciled in California and therefore a citizen of
 24 California. See **Exhibit 1**.

25 **III. VENUE IS PROPER**

26 15. Venue is proper in this Court under 28 U.S.C. § 1441(a), because this
 27 district and division embrace the place in which the removed state court action has

1 been pending. Specifically, the Superior Court of San Francisco, California, is
2 located in the United States District Court of the Northern District of California.
3 See 28 U.S.C. § 124(b)(2).

4 **IV. THE COURT HAS SUBJECT MATTER JURISDICTION OVER
5 THIS**

6 17. The amount in controversy exceeds \$75,000 and there is complete
7 diversity of citizenship between Plaintiff and Defendants. As such, this Court has
8 subject matter jurisdiction pursuant to 28 U.S.C. §§ 1441 and 1332(a).

9 18. Nothing in this Notice shall be interpreted as a waiver or
10 relinquishment of any of CBRE's rights to assert any defense or affirmative matter,
11 including but not limited to the defenses of (1) lack of personal jurisdiction, (2)
12 improper venue, (3) insufficiency of process, (4) insufficiency of service of
13 process, (5) improper joinder of claims and/or parties, (6) failure to state a claim,
14 (7) failure to join indispensable parties, (8) any other pertinent defense available
15 under California or Federal Rule of Civil Procedure 12, any state or federal statute,
16 or otherwise, or (9) arbitration.

17 19. CBRE reserves the right to supplement this Notice by adding any
18 jurisdictional defenses which may independently support a basis for removal.

19 20. Upon filing this Notice of Removal, CBRE will file their Disclosure
20 Statement pursuant to Fed. R. Civ. P. 7.1.

21 21. This Notice, together with the additional documents required under
22 the local rules, will be served on Plaintiff. Also, as required by 28 U.S.C. §
23 1446(d), a copy of this Notice will be filed with the Clerk of the Superior Court for
24 the State of California, County of San Francisco in which the State Court Action is
25 filed.

26 22. The undersigned counsel for Defendants has read the foregoing and
27 signs the Notice of Removal pursuant to Rule 11 of the Federal Rules of Civil
28 Procedure, as required by 28 U.S.C. § 1446(a).

1 WHEREFORE, CBRE asks the Court to take jurisdiction of this action by
2 issuing all necessary orders and procedures to remove this action from the Superior
3 Court for the State of California, County of San Francisco, to this Court.
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5 Dated: October 23, 2024

GARRELL COHON KENNEDY LLP

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7 By:

John M. Kennedy
Samantha L. Weinstein
Attorneys for Defendant
CBRE, INC.



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